

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDRE CARROLL,

Defendant.

No. 17-CR-01039-LTS

**REPORT AND RECOMMENDATION  
TO DENY AS MOOT DEFENDANT’S  
MOTION TO SUPPRESS**

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This matter is before the Court on defendant’s motion to suppress certain incriminating statements made by defendant on August 29, 2017. (Doc. 30). On that day, defendant was arrested in his home. (Doc. 30-1). Defendant alleges that after his arrest, but prior to being read his rights pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1996), he was questioned by Officer Chad Leitzen about his source of supply. (*Id.*). Defendant made incriminating statements in response to Officer Leitzen’s questions. (*Id.*). Defendant further alleges that after his initial appearance and arraignment on August 29, 2017, during which he was read his *Miranda* rights, Officer Leitzen once again questioned him about his source of supply. (*Id.*). Defendant made additional incriminating statements during this conversation. (*Id.*). Defendant alleges that all statements he made to officers on August 29, 2017, were obtained in violation of his *Miranda* rights and therefore, defendant moves to suppress these statements as evidence. (*Id.*).

On September 29, 2017, the United States filed a response to defendant’s motion to suppress. (Doc. 31). In its response, the United States “agree[d] not to offer the

statements made by defendant on August 29, 2017, during its case in chief at trial.” (*Id.*). It therefore requested that defendant’s motion be denied as moot. (*Id.*).

Because the United States has agreed not to offer the statements that defendant seeks to suppress, I recommend that defendant’s motion to suppress be **denied as moot**. I further recommend that the Court’s order adopting this Report and Recommendation reflect that, based on its own concession, the United States will not be allowed to offer into evidence any statements that defendant made to officers on August 29, 2017.

**IT IS SO ORDERED** this 3rd day of October, 2017.



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C.J. Williams  
Chief United States Magistrate Judge  
Northern District of Iowa